

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

ORDER TO SHOW CAUSE

LISA M. JACOBS,

Case No. 15-35482 (CGM)
Chapter 13

Debtor.

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WHEREAS, on June 6, 2015, a Loss Mitigation Order was entered (Docket # 13); and

WHEREAS, on January 5, 2016 a Loss Mitigation status conference was held and the Court was advised that a Notice of Transfer of Mortgage Loan dated December 22, 2015 was received by the Debtor advising her that her mortgage with JPMorgan Chase Bank, National Association, the Secured Creditor for her residential mortgage (Claim #7 the “Residential Mortgage”) [the “Secured Creditor”], had been transferred on December 17, 2015 to U.S. Bank National Association, as trustee for the benefit of the Holders of JPB4b REMIC Trust 2015-4; and

WHEREAS, the Secured Creditor represented to the Court and to the Debtor at the Loss Mitigation Status Conference held before the Court on February 2, 2016, that the Secured Creditor would recover the servicing rights to the Debtor’s Residential Mortgage from any transferee including to U.S. Bank National Association, as trustee for the benefit of the Holders of JPB4b REMIC Trust 2015-4 and Bayview Loan Servicing LLC; and

WHEREAS, the Secured Creditor confirmed to the Court on the Record at the said Loss Mitigation Status Conference that the owner of the Debtor’s Residential Mortgage was the Federal Home Loan Mortgage Corporation (“Freddie Mac”); and

WHEREAS, the person appearing for the Secured Creditor at the said Loss Mitigation Status Conference did not have authority to approve the modification of the Debtor’s Residential Mortgage; and

WHEREAS, the Debtor’s attorneys. Legal Services of the Hudson Valley, had filed an Affirmation in Support of the Debtor’s Application for an Award of Attorneys’ Fees and Costs dated February 4, 2016 (Docket # 52); and

UPON the Motion by Order to Show Cause with affirmation of PETER M. FRANK ESQ., Senior Staff Attorney, Legal Services of the Hudson Valley, attorney for the Debtor, affirmed on January 13, 2016, and all the exhibits and proceedings contained therein [Docket #43],

IT IS HEREBY,

ORDERED, that the Secured Creditor shall recover the Debtor's Residential Mortgage from any transferee, whether for servicing or any other purpose, so that the Secured Creditor shall not be in violation of the Loss Mitigation Order prior to the next Loss Mitigation Status Conference on March 1, 2016; and

ORDERED, that an officer of Freddie Mac with authority to modify the Debtor's Residential Mortgage together with its counsel are required to appear before Chief Judge Cecelia G. Morris at a hearing to be held on **March 1, 2016, at 9:30 a.m.**, or as soon thereafter as counsel may be heard, at the United States Bankruptcy Courthouse, located at 355 Main Street, Poughkeepsie, New York, and show cause: (1) why the Secured Creditor should not be sanctioned pursuant to 11 U.S.C. Section 105(a) and the inherent powers of this Court; (2) why it transferred the Debtor's Residential Mortgage in violation of the Court's Loss Mitigation Order; (3) why it denied the Debtor's application and declined to issue an affordable mortgage modification to the Debtor; (4) why the Debtor's attorney should not be awarded legal fees for failure of the Secured Creditor to comply with the Loss Mitigation Order and or to negotiate with the Debtor in "good faith"; and (5) why such relief should not entered against the Secured Creditor forthwith.

Dated: February 7, 2016
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge